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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the combined fourth and fifth periodic reports of Croatia

Addendum

Information received from Croatia on follow-up to the concluding observations*

[Date received: 3 December 2013]

1. Item 6 (a): The Act on police powers and authorities (Official Gazette 92/14) prescribes that the defendant who accepted a summon of the police due to gathering of information must be informed about the reasons of summoning, and which are the reasonable doubt against him; about the rights to an interpreter and translator; about the right that he is not obliged to give any statement neither to reply to questions; and that upon completion of gathering of information or after six hours from the moment of arrival to the police premises, he can leave them. It means that a person cannot be unlimitedly detained for an informative interview.

2. Item 6 (c): Medical examinations are carried out in the presence of police officers only if it is explicitly demanded by the doctor who is doing examination for the purpose of the doctor's personal safety.

3. Item 6 (d): According to the Criminal Procedure Act, article 108, to a person who is arrested, it is obligated to give a written instruction on his right which contains the following information on:

(a) Reasons of his arrest;

(b) Right that he is not obliged to give statement;

(c) Right to lawyer on his personal choice or lawyer from the list of lawyers in charge;

(d) Right to interpretation and translation according to the article 8 of this Act;

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(e) Right that a family or some other person who he chooses is informed about his arrest;

(f) Right of the foreign national that the competent consular authority or embassy will be informed about his arrest upon his request and that he will be enabled to contact them (art. 116 of this Act);

(g) The right to insight in the case file according to the provision of this Act;

(h) The right to urgent medical care;

(i) That the deprivation of liberty from the moment of the arrest to the moment of bringing to the investigating judge may last up to 48 hours, and for the offences punishable by imprisonment to one year, no longer than 36 hours. Accordingly, every arrested person is familiar with that and has the right to inform his/her family.

4. Item 15 (a): Asylum seekers are accommodated in a Reception center for asylum seekers in Zagreb and Kutina, exceptionally in Detention Center Ježevo, if they have a movement restriction (according to current statistics that measure was imposed only in 9 % of cases of asylum seekers in the period from 2011 to 2014).

5. Item 15 (b): In the Reception center for asylum seekers in Zagreb, despite certain problems with the medical care for asylum seekers accommodated in the Reception center, there is present a nurse during the whole working hours, who is an employee of Ministry of the Interior. In the Reception center for asylum seekers, a doctor comes on daily basis from August 2014. Considering the number of asylum seekers accommodated in the Reception Centre, the presence of a doctor during a few hours each day is sufficient. The doctor is not only providing emergency medical care but also the basic health care, and if necessary, further treatment will be possible for the asylum seekers.

6. If the health care is necessary outside the doctor's working hours, and if a nurse is not able to help, an asylum seeker can use the emergency medical assistance through the regular work of the emergency services.

7. Item 15 (d): Every asylum seeker has received a written decision on restriction of movement, which was translated with participation of translators in his language or language that he can understand. After receiving the decision on restriction of movement, the asylum seeker is informed that he has the right to free legal aid at the expense of the Ministry of the Interior. The list of the free legal aid providers is delivered to him, and he is informed about the Right to a Remedy. The asylum seeker has the right to free legal aid if he does not possess sufficient funds or things of greater value. The free legal aid to asylum seekers, as well as in the cases of restriction of movement of asylum seekers, includes the assistance in drafting complaints and representation before administrative courts.